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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Richard P. Sinn

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EXAMINER

LAFORGIA, CHRISTIAN A

ART UNIT

PAPER NUMBER

2131

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/998,914

Applicant(s)

SINN, RICHARD P.

Examiner

Christian La Forgia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6-11,13,20,21,23,25-27 and 42-49 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,2,4,6-11,13,20,21,23,25-27 and 42-49 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/26/06.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 26 May 2006 has been entered.
2. Claims 1,2,4,6-11,13,20,21,23,25-27 and 42-49 have been presented for examination.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 26 May 2006 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Response to Arguments

4. Applicant's arguments filed 26 May 2006 have been fully considered but they are not persuasive.
5. In response to the Applicant's argument that the cited prior art does not teach determining whether to check a status for a certificate at a check time, and, in response to determining to check the status for the certificate at a check time, determining whether to check the status for the certificate in real time, the Examiner disagrees. Patterson discloses determining whether to check the status of a certificate at certain intervals as disclosed in at least paragraphs 0061 through 0063.

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6. Therefore, Patterson discloses determining whether to check a status for a certificate at a check time, and, in response to determining to check the status for the certificate at a check time, determining whether to check the status for the certificate in real time in at least paragraphs 0061 through 0063 as cited below.

7. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

8. See further rejections below.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 48 and 49 contains the trademark/trade name Identity System. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name.

Claim Rejections

11. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13. Claims 1, 2, 4, 8, 9, 11, 13, 20, 21, 23, 25-27, 42, 43, 45, 46, 48, and 49 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0053023 to Patterson et al., hereinafter Patterson.

14. As per claims 1 and 20, Patterson discloses a method comprising the steps of:

retrieving real time status for a certificate (Figure 7 [step S6], page 4, paragraph [0058], i.e. “The public repository 64 will in due course, return an identification of the validity of the certificate using, for example, a protocol such as the Online Certificate Status Protocol”);

storing said real time status (Figure 7 [step S7], page 4, paragraph [0059], i.e. “on receipt of the certificate validity information, this is stored in the user cache 86 for the intended recipient”); and

storing validation information for said certificate, wherein said validation information includes an identifier of a time said real time status was retrieved and a validation interval for said real time status (Figures 5-7 [step S7], page 3, paragraphs [0051]-[0052], page 4, paragraph [0059]-[0061], i.e. “the user cache 86 includes, for certificates that have already been checked,

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the sender identity associated with the certificate, the certificate as extracted from a previously received message and as verified with the public repository, the result of verifying the validation with the repository, and the time and date of the validation of the certificate. The result of such a check of certificate status will typically be one of 'valid,' 'revoked,' or 'unknown.'" "on receipt of the certificate validity information, this is stored in the user cache 86 for the intended recipient")

receiving a request to export said certificate (Figures 7 [steps S1, S2], 8a [step S10], 8b [steps s11, s12], pages 3-4, paragraphs [0055]-[0060]);

determining whether to check a status for said certificate at a check time (Figure 7 [step S6], page 4, paragraphs [0058], [0061], [0063], i.e. "The public repository 64 will in due course, return an identification of the validity of the certificate using, for example, a protocol such as the Online Certificate Status Protocol");

in response to determining to check the status for said certificate at a check time, determining whether to check status for said certificate in real time (Figure 7 [step S7], page 4, paragraph [0058]).

15. Regarding claims 2 and 21, Patterson teaches wherein said step (c) includes the step of:

setting said validation interval to zero when said real time status retrieved is not valid (Figures 5-7 [step S7], page 3, paragraphs [0051]-[0052], page 4, paragraph [0059], i.e. "The result of such a check of certificate status will typically be one of 'valid,' 'revoked,' or 'unknown.'").

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16. Regarding claims 4 and 23, Patterson discloses the steps of determining whether said check time falls within a time period, wherein said time period begins at said time said real time status was retrieved and extends for said validation interval (page 4, paragraph [0062], i.e. checking the expiry time).

17. Concerning claims 6 and 25, Patterson teaches wherein exporting said certificate, if said check time falls within said time period (page 4, paragraph [0062], i.e. checking the expiry time).

18. Concerning claim 8, Patterson teaches retrieving a new real time status for said certificate, in response to determining to check status for said certificate in real time (page 4, paragraph [0063]).

19. Concerning claim 9, Patterson teaches exporting said certificate, if said new real time status indicates said certificate is valid (Figures 7 [steps S8, S9], 8a [step S10], 8b [steps s11, s12], page 4, paragraphs [0060], [0064]-[0067]).

20. Regarding claims 11 and 27, Patterson discloses receiving a request to display information from said certificate (figure 7 [steps S1, S2, S3], page 4, paragraph [0064]);
retrieving a status for said certificate (page 4, paragraph [0058]); and
displaying said information from said certificate and said status (Figures 8a, 11, page 4, paragraphs [0064]-[0067]).

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21. With regards to claim 13, Patterson discloses wherein said step (j) includes the steps of:
determining whether to check status for said certificate in real time (page 4, paragraph [0058]);

retrieving said real time status for said certificate to serve as said status, if it is
determined to check status in real time (page 4, paragraph [0058]); and

retrieving a new real time status to serve as said status, if it is determined not to check
status in real time (pages 3-4, paragraph [0057]).

22. As per claim 42, Patterson discloses a method comprising:

retrieving a real time status for a certificate (Figure 7 [Step S6], page 4, paragraph [0058]);

storing the real time status (Figure 7 [step S7], page 4, paragraph [0059]);

storing validation information for the certificate, wherein the validation information
includes an identifier of a time the real time status was retrieved and a validation interval for the
real time status (Figures 5-7 [step S7], page 3, paragraphs [0051]-[0053], [0058]-[0061]);

receiving a request to export the certificate (Figure 7 [steps S1, S2], 8a [step S10], 8b
[steps s11, s12], pages 3-4, paragraphs [0055]-[0060]);

determining whether to check a status for the certificate at a check time (Figure 7 [step
S4], page 4, paragraphs [0058]-[0061]);

in response to determining to not check the status for the certificate, exporting the
certificate (Figure 7 [steps S1, S2], 8a [step S10], 8b [steps s11, s12], pages 3-4, paragraphs
[0055]-[0060]);

in response to determining to check the status for the certificate, determining whether to check the status for the certificate in real time (Figure 7 [step S4], page 4, paragraphs [0058]-[0061]); and

in response to determining to check the status for the certificate in real time, retrieving a new real time status for the certificate (Figure 7 [step S4], page 4, paragraphs [0058]-[0061]).

23. Regarding claim 43, Patterson teaches exporting the certificate if the new real time status indicates the certificate is valid (Figure 7 [steps S1, S2], 8a [step S10], 8b [steps s11, s12], pages 3-4, paragraphs [0055]-[0060]).

24. Regarding claim 45, Patterson teaches in response to determining to not check the status for the certificate in real time, determining whether the check time falls within a time period, wherein the time period begins at the time the real time status was received and extends for the validation interval (page 4, paragraphs [0058]-[0061]).

25. With regards to claim 46, Patterson teaches exporting the certificate if the check time falls within the time period (pages 3-4, paragraphs [0055]-[0060]).

26. Regarding claims 48 and 49, Patterson teaches wherein determining whether to check a status for the certificate comprises querying a parameter field in an Identity System (Figure 3 [block 64], paragraph [0042]).

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27. Claims 7, 10, 26, 44, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patterson in view of U.S. Patent Application Publication No. 2003/0110376 to Wiener et al., hereinafter Wiener.

28. Concerning claims 7, 26, and 47, Patterson does not teach issuing an error message, if said check time does not fall within said time period.

29. Wiener discloses issuing an error message, if said check time does not fall within said time period (page 4, paragraph [0030]).

30. It would have been obvious to one of ordinary skill in the art at the time the invention was made to issue an error message, since Wiener discloses at page 4, paragraph [0030] that such a modification would alert a client that the certificate has expired and therefore needs to be updated.

31. Concerning claims 10 and 44, Patterson does not teach issuing an error message, if said new real time status indicates said certificate is not valid.

32. Wiener discloses issuing an error message said new real time status indicates said certificate is not valid (page 4, paragraph [0030]).

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33. It would have been obvious to one of ordinary skill in the art at the time the invention was made to issue an error message, since Wiener discloses at page 4, paragraph [0030] that such a modification would alert a client that the certificate has expired and therefore needs to be updated.

Conclusion

34. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian La Forgia whose telephone number is (571) 272-3792. The examiner can normally be reached on Monday thru Thursday 7-5.

35. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

36. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christian LaForgia
Patent Examiner
Art Unit 2131

clf

CHRISTOPHER REVAK
PRIMARY EXAMINER

Cl 8/19/06